

**PLANNING COMMISSION REPORT
Regular Agenda -Public Hearing Item**

PC Staff Report
2/24/14

**ITEM NO. 3B PRELIMINARY DEVELOPMENT PLAN FOR HERE @ KANSAS; 1101
INDIANA ST (SLD)**

PDP-13-00518: Consider a Preliminary Development Plan for HERE @ Kansas, a mixed-use multi-dwelling residential apartment building with ground floor retail uses, located at 1101 Indiana St. Submitted by Hartshorne Plunkard Architects, for Berkeley Flats Apartments LLC, property owner of record.

STAFF RECOMMENDATION ON PRELIMINARY DEVELOPMENT PLAN: Planning Staff recommends approval of Here @ Kansas Preliminary Development Plan based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Provision of a revised plan to reflect correct unit and density count

STAFF RECOMMENDATION ON PRELIMINARY PLAT: Planning Staff recommends approval of Here @ Kansas Preliminary Development Plan – Preliminary Plat based upon the findings of fact presented in the body of the staff report and subject to the following conditions:

1. Approval of a variance for the reduced right-of-way for 11th Street.

Reason for Request: *Here Kansas, LLC plans to construct a state-of-the art, five (5) story, LEED certifiable, mixed-use project. It will contain ground floor retail/restaurant uses on both Indiana and Mississippi Streets, three (3) residential floors containing approximately ¹156 residential student housing units, amenity areas which includes a fitness room, two outdoor common open spaces, a roof top garden which includes a swimming pool area, and three (3) level automated robotic parking garage containing approximately 592 parking spaces strategically integrated into the natural topography of the site. Unlike conventional real estate developers, Here Kansas views itself as the curator of an experience which provides desired outcomes, not merely an erector of bricks and mortar.*

KEY POINTS

- Proposed redevelopment of existing high-density residential use.
- Proposed development project uses density bonuses to achieve the intended development density.
- The MU district allows on-street parking toward required parking.
- Parking is accommodated through garage parking as well as on-street parking for this development.
- Pedestrian scale uses are located at the street level and include non-residential uses.
- Project includes either 171 units or 176 units depending on 2-bedroom and 4-bedroom unit configuration of the project.

¹ 156 units refers to a calculated density. The Actual number of units proposed is 171 or 176 depending on the bedroom arrangement.

- The applicant is proposing a 25% increase in the base density per the Development Plan. the City Commission must approve the increase. The Planning Commission may make a recommendation regarding this increase.

FACTORS TO CONSIDER

- Compliance with Development Code.
- Conformance with *Horizon 2020*.
- Conformance with Subdivision Regulations.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – Study received and accepted by staff.
- *Downstream Sanitary Sewer Analysis* – Required study and supporting documentation provided and is approved by City Stormwater Engineer.
- *Drainage Study* – The revised downstream sanitary sewer analysis and cover letter dated January 24, 2014 provided by Landplan Engineering has been reviewed and is accepted for this project to satisfy the criteria required for the DSSA as outlined in Administrative Policy 76.
- *Retail Market Study* – Not applicable to this request

ASSOCIATED CASES/OTHER ACTION REQUIRED

Associated Cases

- Z-13-00516 RM32 to MU-PD

Other Action Required

- City Commission approval of Preliminary Development Plan.
- Submittal and approval of Final Development Plan and Final Plat.
- Recording of Final Development Plan and Final Plat with the Douglas County Register of Deeds.
- Building permits must be obtained prior to construction of structures.

ATTACHMENTS

1. Development Plan
2. Project Summary
3. Density Bonus Calculation

PUBLIC COMMENT

- Refer to Zoning Staff Report

GENERAL INFORMATION	
Current Zoning and Land Use:	RM32 (Multi-Dwelling Residential) District. Existing apartment buildings and surface parking lot and site plan for temporary placement of cellular equipment on light truck (COLT) during KU home football games.
Surrounding Zoning and Land Use:	To the North RM32 (Multi-Dwelling Residential) District and RM32-PD [Varsity House – Final Development Plan]. Existing multi-dwelling residential uses.

To the East
 RMG (Multi-Dwelling Greek Housing Residential) District and RM32 (Multi-Dwelling Residential) District and PD – [The Oread PCD]. Existing Group Housing-Sorority/Fraternity House multi dwelling, and mixed residential, hotel and commercial use development.

To the South:
 RM32 (Multi-Dwelling Residential) District to the south. Existing multi-dwelling residential uses.

To the West:
 U-KU [University of Kansas] Memorial Stadium, parking and practice fields.

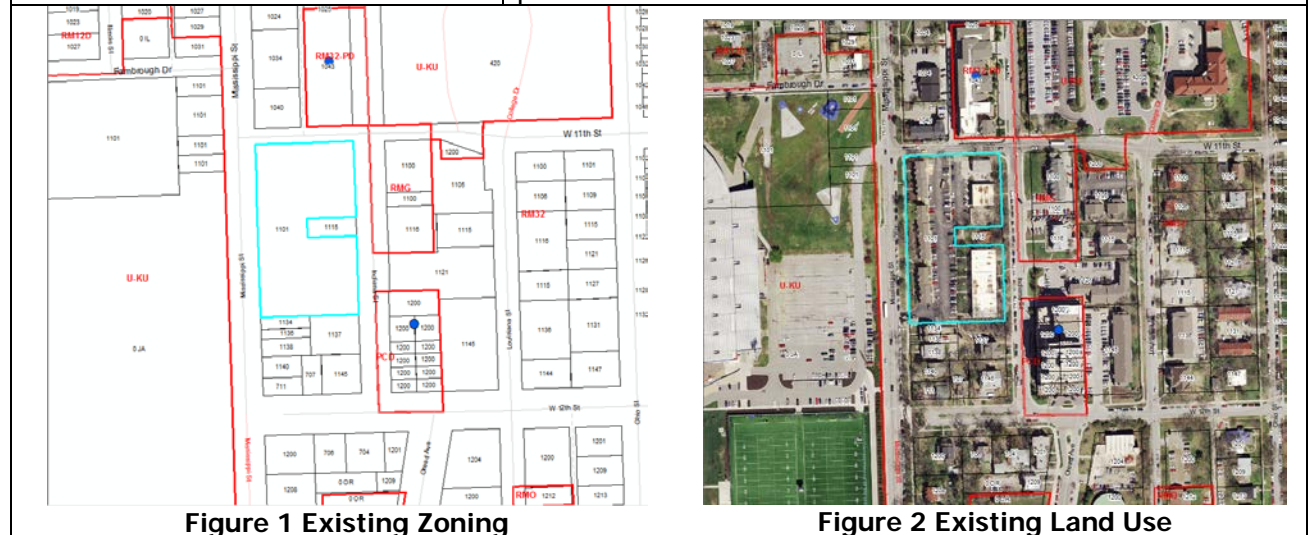


Figure 1 Existing Zoning

Figure 2 Existing Land Use

Per section 20-1108 (k) the *Land Development Code* allows on-street parking within the MU district to count toward the off-street parking requirements for specified uses in section 20-902. This project includes on-street parking along both Mississippi and Indiana Streets. The proposed plan shows parallel parking along Indiana Street (17 spaces) and angled parking along Mississippi Street (21 spaces). The Project Data summary on the face of the plan indicates the total number of on street parking is 37. As final plans and public improvement plans are completed these numbers may shift. On-street parking will continue to be reviewed as part of the Final Development Plan process.

At this time specific uses for the non-residential (retail/restaurant) space is not identified. This use would be accommodated with on-street parking as needed. The following table provides a summary of the off-street parking requirements for the uses and the proposed parking provided for this development.

PARKING SUMMARY		
Use	Parking Required	Parking Provided
<i>Multi-Dwelling Residential</i>	1 space per bedroom (592 total bedrooms) 1 space per 10 units (18 spaces to accommodate 176 units ²) 18 spaces (to accommodate 176 units)	592 spaces within garage
<i>Nonresidential use 8,958 SF</i>	Retail Space: 1 space per 300 SF (30 spaces for 8,958 SF) Eating and Drinking Space: 1 space per 100 SF customer service area + 1 per employee maximum shift.	38 spaces shown along public streets

STAFF ANALYSIS

This preliminary development plan is for a mixed use, multi-story building with garage parking and street level non-residential uses. The base zoning for this project is MU, which requires the designation of development zones. The subject property is proposed to be developed with a single vertical mixed-use structure. The property includes frontage along Mississippi Street, Indiana Street and 11th Street. All three streets serve a primary function and are designed for pedestrian scale. Vehicular access to this development is limited to Mississippi Street. In addition to the MU district requirements, this project includes a PD overlay. Certain development standards and bonuses conflict. An example of this conflict is development with buildings oriented at the property line (zero setback). However, density and height bonuses can be achieved by setting a building back from the property line.

A greenfield development would be expected to meet all design standards of the *Land Development Code*. As an infill development within the context of a fully developed urban area, some standards are not achievable or desirable. Key elements for this project have focused on providing a pedestrian scale along the public streets, prohibiting residential uses at the ground floor levels and requiring a mix of uses.

The plan includes residential and non-residential uses as well as structured parking. The plan also identifies two units on the fourth floor as live work units.



Figure 3 Fourth Floor Plan Showing Work Live Units

² Plan states 175 units in project data. If approved this information will need to be corrected on a revised submittal.

The following table provides a summary of use and square footage by level of the proposed vertical use building.

Building Use Summary								
USE	Basement	1st floor	2nd floor	3rd floor	4th floor	5th floor	Roof	Total
Parking	60,767	52,725	44,656					158,148
Retail		5,771		3,187	3,107			12,065
Residential		672		69,885	75,972	83,349		230,333
Mechanical		1,759		4,975	3,170	3,170		13,074
Residential Amenity				4,128	1,900			6,028
Open Space		19,441		11,051			27,840	58,332
Common Open Space		12,018						12,018
TOTAL	60,767	92,386	45,111	93,226	81,042	86,519	27,840	489,998

Density Review

The base zoning district, MU (Mixed Use) allows a maximum density of 32 units per acre. Without including any additional calculation reductions or bonuses this would result in a total of 76 units for this property [$32 * 2.39 = 76.4$]. Additionally, the MU district permits an increase in the allowable development potential when certain public goals are met. These development bonuses are listed in section 20-1108 (I) of the Development Code. For each 10 points earned a one additional dwelling unit may be added to the project. The bonus calculations are attached to this staff report.

Per Section 20-701(f)(3), density within a Planned Development is calculated based on the number of bedrooms rather than the number of dwelling units. Regardless of the unit design, the total bedroom count for this project is 592 beds. Section 20-701(f)(3) also allows the City Commission to increase the maximum net density (153) units beyond the *Base District* by 25% for a Planned Development if: *“The City Commission determines that such an increase is warranted to support the public benefit likely to result from the proposed development.”*

The developer is proposing two alternatives in terms of the mix of 2-bedroom unit and 4-bedroom unit configuration. The density for this development is calculated below and includes the number of calculated units as well as the resulting units if a 25% increase is approved.

Density Calculations for a Planned Development (2.39 Acres)				
Number of Bedrooms	Density Factor	UNITS		Density/acre
Studio or one-bedroom	.4 dwelling unit	0	0	
Two-bedroom [92 or 112]	.6 dwelling unit	$46 * .6 = (28)$	$56 * .6 = (34)$	
Three-bedroom	.8 dwelling unit	0	0	
Four-bedroom or more [500 or 480]	1 dwelling unit	125	120	
Total PD Calculated Density		$28 + 125 = 153$	$34 + 120 = 154$	64
Total Actual Units Proposed		171	176	72/74
Calculated Density with 25% increase = units per acre		$153 * .25 = 38$	$154 * .25 = 38$	
Calculated Density with 25% increase = units per acre		$153 + 38 = 191$	$154 + 38 = 192$	80

Landscape Review

Section 20-701(d) states that all of the standards of the *Development Code* apply to development within a PD District except as expressly authorized by regulations of Section 20-701. Street trees are typically applicable along all public streets. The plan as proposed does not include street trees along W 11th Street. The building is setback approximately 12' from the property line. As an exterior side setback, the building must be 10' setback from this property line. Within that space is a 10' utility easement and an extended plaza area between Mississippi Street and Indiana Street.

The plan shows an existing 5' sidewalk along the south side of W. 11th Street and a foundation planting area in the central portion of the block face. There is insufficient room to provide street trees unless the project size is reduced. W. 11th Street was constructed within only 40' of total right-of-way. This is an existing condition of the area. This segment of the street includes mature trees on both sides of the street as well as 5' sidewalks. No additional right-of-way was requested during the review of this project.

This property is adjacent to multi-dwelling residential zoning along the north and most of the east sides as well as the south sides. A buffer yard is not required for the MU District when adjacent to any non-RS district.

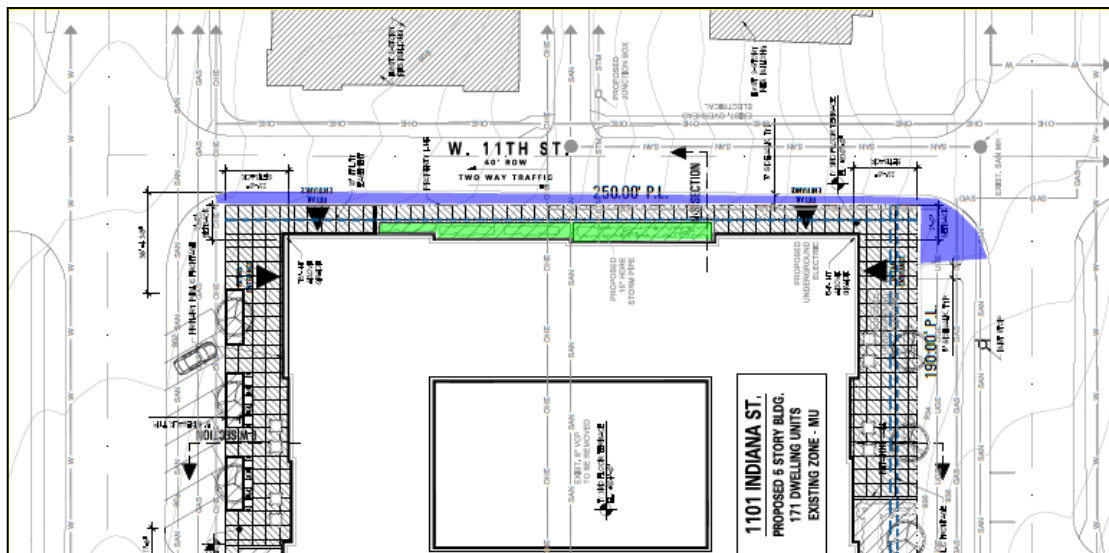


Figure 4: 11th Street Greenspace

Subdivision Review

This property is currently platted with multiple lots. In some cases, existing buildings cross platted lot lines. As part of this redevelopment project, the property will be replatted as a single lot. The Preliminary Development Plan also satisfies the requirements of a Preliminary Plat. Prior to redevelopment of this site, the developer is required to complete a Final Plat. Staff is working with the applicant to address the sanitary sewer utility design for this property and address how that service will be provided for the property at 1115 Indiana Street.

W. 11th Street is designated as a collector street. As such, a total of 80' of right-of-way is required as a standard design requirement per the section 20-810. The existing street is only 40'. No additional right-of-way was requested during the review of this project. There are no plans to widen W. 11th Street. This is an existing condition of the site. Since the Preliminary Development Plan also acts as the Preliminary Plat, it is appropriate for the Planning

Commission to consider a variance from the right-of-way standards in the Subdivision regulations.

Both Indiana Street and Mississippi Streets south of 11th Street (adjacent to the subject property) are designated local streets and exceed the minimum required 60' of right-of-way.

Preliminary Development Plan Review

The proposed Preliminary Development Plan for Here @ Kansas has been evaluated based upon findings of fact and conclusions per Section 20-1304(d)(9) of the *Development Code* for the City of Lawrence, requiring consideration of the following nine items:

1) *The Preliminary Development Plan's consistency with the Comprehensive Plan of the City.*

This property is proposed to be rezoned for mixed-use development with a Planned Development Overlay to facilitate increased density bonuses within the project. Redevelopment and infill development are recommended policies within the urban areas of the City. Appropriate transitions and buffers are also recommended when high-density uses are adjacent to lower density or intensity uses. This property is immediately adjacent to the University of Kansas along the west property line. Other high-density land uses are located within the immediate vicinity of the property.

Recommendations for medium- and higher-density residential development from Chapter 5 of *Horizon 2020* are listed below.

"Development proposals shall be reviewed for compatibility with existing land uses. The review should include use, building type, density and intensity of use, architectural style, scale, access and its relationship to the neighborhood, and the amount and treatment of screening and open space." (Policy 1.1, page 5-23)

"Encourage new and existing medium- and higher-density residential development which is compatible in size, architectural design, orientation, and intensity with the surrounding land uses in established areas." (Policy 3.4, page 5-29)

Land uses are further refined in The Oread Neighborhood Plan. The Neighborhood Plan identifies this area as suitable for mixed uses as discussed in the related rezoning report. Additionally, the plan recommends multiple overlay districts (refer to map 4-7 of the Oread Plan). This property is located within what is identified as Overlay District No. 2 (High Density).

This request represents an infill redevelopment of an existing high-density multi-dwelling residential land use. The location of the project is on the edge of the Oread Neighborhood where it abuts the University of Kansas along Mississippi Street. High-density residential uses are recommended near existing high intensity land uses. The University is a high-intensity land use.

Neighborhood compatibility must be mitigated through architectural treatment of the building to provide pedestrian scale design at the ground level and reduce the bulk of the building.

Staff Finding – The proposed development complies with the land use goals and policies for medium- and higher-density residential development of the Comprehensive Plan.

2) Preliminary Development Plan's consistency with the Planned Development Standards of Section 20-701 including the statement of purpose.

The purpose statement includes the following (staff comments follow in *italics*):

- a) **Ensure development that is consistent with the comprehensive plan.**
As discussed previously, the development is consistent with the comprehensive plan.

- b) **Ensure that development can be conveniently, efficiently and economically served by existing and planned utilities and services.**
The City and the applicant are working to provide an internal design acceptable to the City to facilitate this development and the remaining residence at 1115 Indiana Street. Public Improvement Plans will be required with this development. Sufficient capacity within the water and sanitary sewer systems exists to accommodate this proposed development.

- c) **Allow design flexibility which results in greater public benefits than could be achieved using conventional zoning district regulations.**
The intent of the developer is to provide a project that exceeds the current development form in types of units, uses, and environmental benefits with a structured vertical mixed-use development. This is accommodated through the use of rezoning and a planned development overlay that offers incentives (density) for providing a higher quality development than the existing development or through what could be developed with conventional zoning.

Two specific elements of this project are LEED certifiable and Energy Star certifiable construction. The incorporation of these design standards allows the project to be considered for a density bonus – a benefit to the developer; in exchange, the community benefits by efficient and sustainable forms of development.

- d) **Preserve environmental and historic resources.**
There are no known historical or environmental resources on this property.

- e) **Promote attractive and functional residential, nonresidential, and mixed-use developments that are compatible with the character of the surrounding area.**
The proposal is for a vertical mixed-use development. It will be constructed as a redevelopment – infill project. This area is designated in The Oread Neighborhood Plan as suitable for mixed uses.

Staff Finding_– The proposed Preliminary Development Plan is consistent with the Statement of Purpose of Planned Development.

3) The nature and extent of the common open space in the Planned Development.

Common open space is provided around the perimeter of the building and includes hard surface areas for the parking garage and plaza areas adjacent to the ground floor uses. Additional common opens space can be found around the perimeter of the building and interior to the building as planter areas, green spaces and roof top amenities with the development.

Staff Finding – This plan includes developed common open spaces internal to the development and along all street frontages as a mix of residential and public spaces throughout the development.

4) The reliability of the proposals for maintenance and conservation of the common open space.

The property owner will own and maintain the common open space within this development. This development is anticipated as a singly owned building and the developer will have control over the common areas within the development.

Staff Finding –The property owner will own and maintain the common open space.

5) The adequacy or inadequacy of the amount and function of the common open space in terms of the densities and dwelling types proposed in the plan.

The minimum outdoor area, as required on Article 20-601 (a) is based on the total calculated dwelling unit count and not the actual number of dwelling units.

Open Space Requirement Calculation				
Number Bedrooms	Proposed	Optional	Required Outdoor Space (P * 50 SF)	Required Outdoor Space (O * 50 SF)
2 br units	46 units [46 * .6 = 28]	56 units [56 * .6 = 34]	28 * 50 = 1,380 SF	34 * 50 = 1,700 SF
4 br units	125 units [125 * 1 = 125]	120 units [120 * 1 = 120]	125 * 50 = 6,250 SF	120 * 50 = 6,000 SF
Total Units	171	176	7,630 SF	7,700 SF

This proposed development includes 19,441 SF of common open space located around the perimeter of the building. An additional 4,128 SF of open space is provided within the exterior courtyard area accessible from the 3rd floor of the building. An additional 27,840 SF is provided on the roof level.

Common open space within this development is located on the roof level of the project and on the third floor of the property. Open space areas are also located around the perimeter of the building and within plaza areas along the street frontage as an extension of the retail commercial area.

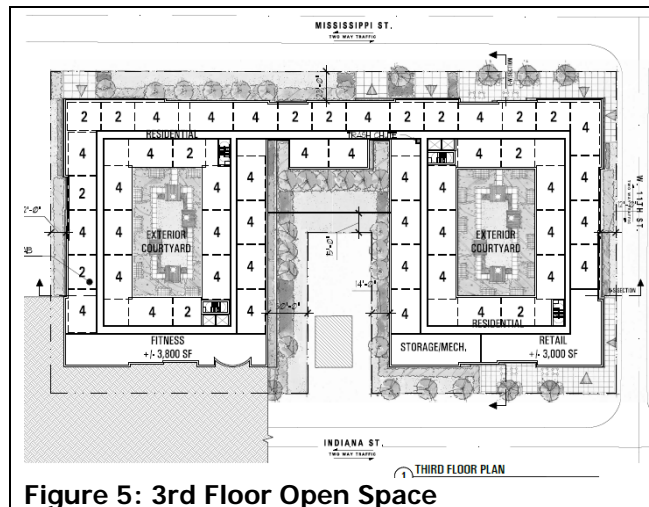


Figure 5: 3rd Floor Open Space

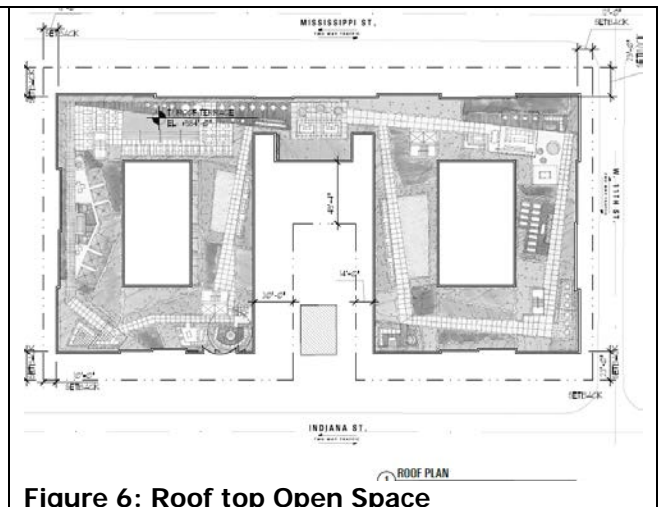


Figure 6: Roof top Open Space

Staff Finding – The amount and function of the common open space exceeds the requirements of the Development Code.

6) Whether the Preliminary Development Plan makes adequate provisions for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation and visual enjoyment.

A location criterion for a Mixed Use development is the proximity to multiple public services. This project is:

- Located along established transit routes
- Located within one quarter mile of public open space (University of Kansas) and one half mile of public parks (South Park and the Japanese Friendship Garden)
- Located within one half mile of a fire/medical station (Fire Station 1) and multiple community and public buildings.
- Serviced by existing water and sanitary sewer infrastructure.

A traffic study was provided to City Staff for reviewed. The study includes recommended pavement markings at specific locations for the surrounding street network. These recommendations would be included as part of the Final Development Plan and are represented graphically as follows:

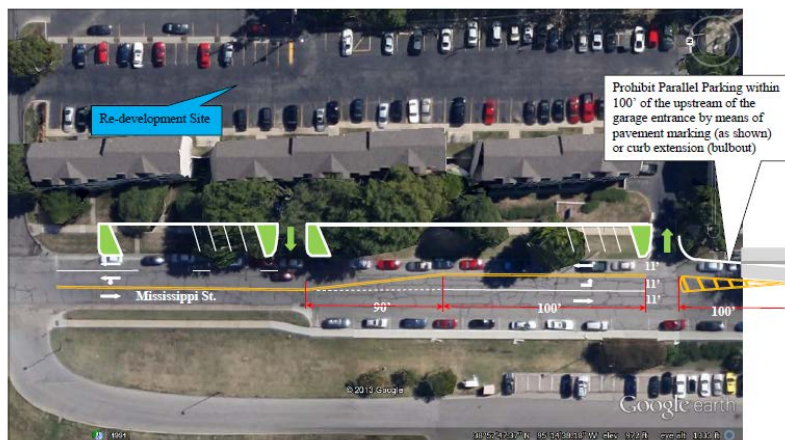


Figure 13
Proposed Lane Configurations (Conceptual)



Figure 14
Proposed Lane Configurations (Conceptual)

Figure 7: Traffic Study Graphic of Pavement Markings

This project is unique in that there will be no on-site vehicular circulation. Off-street parking is provided within the building through an automated garage feature. Access to the garage is from Mississippi Street. Additionally, this development will include on-street parking along Mississippi Street and Indiana Street adjacent to the development. Staff has been working with the applicant to outline the necessary agreement that must be executed regarding use of on-street parking within this area.

The project includes required open space within the development and is setback from property lines to create public plaza areas adjacent to the commercial areas of the development. The site also includes setbacks from the property at 1115 Indiana Street creating open space around this remaining residence.

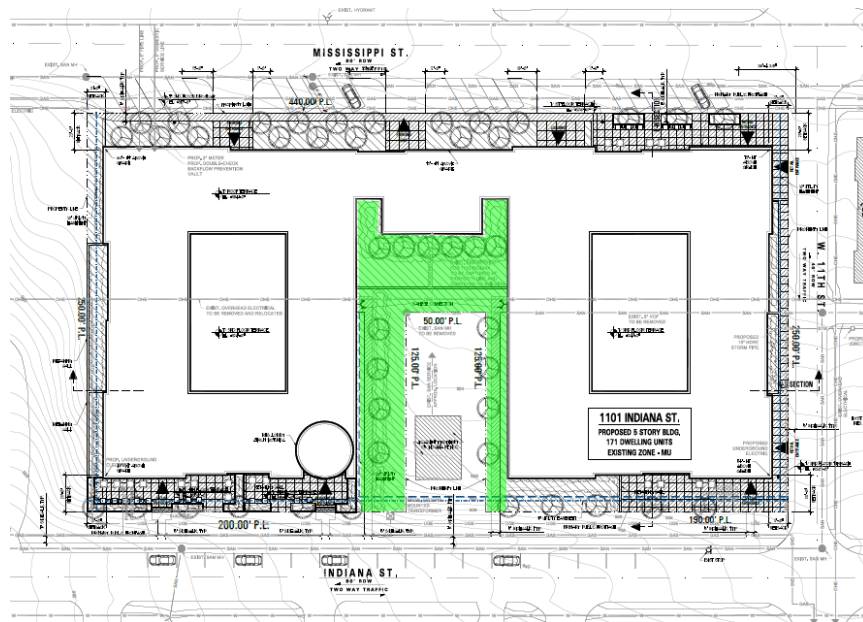


Figure 8: Buffer Yard Area

Staff Finding_– The Preliminary Development Plan’s provisions for Fire/Medical access will continue to be reviewed as part of the Final Development Plan as well as the construction documents. Overall, the proposed Preliminary Development Plan provides adequate provisions for public services and controls for vehicular circulation.

7) Whether the plan will measurably and adversely impact development or conservation of the neighborhood area by:

a) doubling or more the traffic generated by the neighborhood;

This property is developed with an existing high-density residential use. The project location is within a fully developed portion of the urban area. The traffic study indicates that overall traffic in the area will result in almost four times the current traffic level that exists in the area today. However, the adjacent street network has enough capacity to support the development. The study identified specific turn lanes that are needed to enhance the safety in the area as discussed earlier in the staff report.

b) proposing housing types, building heights or building massings that are incompatible with the established neighborhood pattern; or

The proposed development uses the existing grade of the property to provide an overall development that is consistent with other development in the area as it relates to height. Pedestrian scale amenities and building articulation help to mitigate the mass of the proposed development along the adjacent street frontages. These elements will continue to be reviewed and refined as part of the Final Development Plan and the building code review processes.

c) increasing the residential density 34% or more above the density of adjacent residential properties.

This property is surrounded by a high-density residential development. The proposed density is substantially higher than the adjacent development pattern of the immediate area. Density bonuses are accommodated through both the base MU District and the PD overlay district.

Staff Finding-- Staff has determined that the Preliminary Development Plan will have an impact on property specifically located at 1115 Indiana Street. The impact of the project for that property is significant.

8) Whether potential adverse impacts have been mitigated to the maximum practical extent.

Potential adverse impacts with multi-dwelling apartments can occur with lighting that extends onto adjacent properties, or with balconies that overhang single-dwelling residences. A photometric plan will be required prior to approval of the Final Development Plan to insure there is no negative impact from the exterior lighting. Parking lot lighting will not impact the surrounding uses since it is contained within the building. Exterior lights shall have full cut-off features and will be further reviewed as part of the Final Development Plan. A note on the plans states; "No balconies are proposed on this project."

As discussed in the rezoning application, the proposed development will surround an existing single-story detached residence on three sides. The building has been setback to provide a large buffer around the residence. The mass and size of the proposed development will be significant compared to the existing residence. A concern for the residence at 1115 Indiana Street is the availability of off-street parking. Staff is reviewing options as a this project is refined. The slope of the property from Indiana Street is not appropriate for the construction of a driveway. The residence is situated several feet below the street. Currently the property owner of 1115 Indiana Street accesses the rear of the property for parking through the Berkley Flats Apartment development. There are no existing easements or agreements recorded for this parking. Designation of an on-street parking space may be necessary for this residence.

Staff and the applicant have attempted to address concerns or to incorporate the property at 1115 Indiana into the proposed development without success.

Staff Finding – Possible adverse impacts of exterior lighting will be addressed with a photometric plan to insure there is no spillover light. The size and location of the proposed development in proximity to the existing residence at 1115 Indiana Street will be significant.

9) The sufficiency of the terms and conditions proposed to protect the interest of the public and the residents of the Planned Unit Development in the case of a plan that proposes development over a period of years.

The proposed project is a mixed-use development within a single building in property that is currently developed with several buildings and surface parking as a multi-dwelling residential use. There is no phasing associated with this project.

Staff Finding- A phased development has not been proposed.

Staff Review and Conclusion

The proposed Preliminary Development Plan conforms to the land use recommendations for mixed-use development in the *Oread Neighborhood Plan*. This property is located within an existing urban area and is constrained by the topography and the surrounding development.